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SUNNYSIDE DEVELOPMENT
COMPANY LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SUNNYSIDE DEVELOPMENT COMPANY LLC,

Plaintiff,

v.

CAMBRIDGE DISPLAY TECHNOLOGY
LIMITED, CDT OXFORD LIMITED, OPSYS
LIMITED, and JOHN DOES I through V,

Defendants.

**Administrative Motion to
Consider Whether Cases
Should be Related, pursuant
to Civil L.R. 7-11; Notice of
Pendency of Other Action,
pursuant to L.R. 3-13 & 7-11**

Case No. 3:08-CV-01780

Pursuant to Civil Local Rules 3-12, Plaintiff Sunnyside Development Company LLC

“Sunnyside”) hereby (1) files this Administrative Motion To Consider Whether Cases Should be
Related, and (2) provides Notice of Pendency of Other Action or Proceeding, in accordance with
Local Rules 3-13, and 7-11.

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1 **MOTION PURSUANT TO LOCAL RULE 3-12.**

2 Sunnyside files this administrative motion to consider whether this action may be related to
3 an action that is or was pending in this District as defined in Civil L.R. 3-12(a). As a basis for its
4 motion, Sunnyside states as follows:
5

6 ***A description of action previously pending:***

7 The above-captioned action may be related to an action previously pending before the
8 Honorable Judge Patel in this court, entitled *Sunnyside Development Co. LLC v. Opsys Limited*,
9 No. C 05-0553 MHP (N.D.Ca.) (Patel, J.). In that action, Sunnyside obtained a judgment against
10 Opsys Limited in the amount of \$4,853,017.00, representing damages caused by Opsys's breach
11 of its lease obligation to Sunnyside.
12

13 ***A brief statement of the relationship of the other action to the action or***
14 ***proceeding pending in this district:***

15 Sunnyside's present action arises out of efforts to collect the above-mentioned judgment
16 entered in *Sunnyside Development Company LLC v. Opsys Limited*, No. 05-CV-0553 (N.D.Ca.).

17 **NOTICE OF PENDENCY OF OTHER ACTION OR PROCEEDING PURSUANT**
18 **TO LOCAL RULE 13-3.**

19 No additional actions currently are pending before another United States District Court or
20 an action pending in a State Court.

21 There is an appeal currently pending before the United States Court of Appeals for the
22 Ninth Circuit, entitled *Sunnyside Development Company LLC v. Opsys Limited*, Appeal No. 07-
23 16773 (9th Cir.). That appeal arises out of the action, entitled *Sunnyside Development Company*
24 *LLC v. Opsys Limited*, No. 05-CV-0553 (N.D.Ca.).
25

26 There is an appeal currently pending before the United States Court of Appeals for the
27 Second Circuit, entitled *Sunnyside Development Company LLC v. Bank of New York*, Appeal No.
28 08-1274-cv (2d Cir.). That appeal arises out of Sunnyside's action, entitled *Sunnyside*

1 *Development Company LLC v. Bank of New York*, Index No. 113409-07, filed in the Supreme
2 Court for the State of New York, and removed by Cambridge Display Technology, Inc. to the
3 United States District Court for the Southern District of New York, entitled *Sunnyside*
4 *Development Company LLC v. Bank of New York*, 07-CV-08825 (LLS) (Stanton, J.).
5

6 Dated: May 19, 2008

7 STIGLICH & HINCKLEY, LLP

8 /s/ Michael L. Hinckley

9 By

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PROOF OF SERVICE

I, Michael Hinckley, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within entitled action. I am employed at the law firm of STIGLICH & HINCKLEY, LLP 502 Seventh Street, San Francisco, CA 94103:

I served the attached:

Administrative Motion to Consider Whether Cases Should be Related, pursuant to Civil L.R. 7-11; Notice of Pendency of Other Action, pursuant to L.R. 3-13 & 7-11

on the interested parties in said action, by placing a true copy thereof in sealed envelope(s) addressed as follows:

Bruce Ericson, Esq.
Pillsbury Winthrop Shaw & Pittman LLP
50 Fremont Street
San Francisco, CA 94105

and served the named document in the manner indicated below:

☒ **BY MAIL:** I caused true and correct copies of the above documents, by following ordinary business practices, to be placed and sealed in envelope(s) addressed to the addressee(s), at the law firm of STIGLICH & HINCKLEY, LLP, 502 Seventh Street, San Francisco, CA 94103, for collection and mailing with the United States Postal Service, and in the ordinary course of business, correspondence placed for collection on a particular day is deposited with the United States Postal Service that same day.

☐ **BY PERSONAL SERVICE:** I caused true and correct copies of the above documents to be placed and sealed in envelope(s) addressed to the addressee(s) and I caused such envelope(s) to be delivered by hand on the office(s) of the addressee(s).

☐ **BY FACSIMILE:** I caused a copy(ies) of such document(s) to be transmitted via facsimile machine. The fax number of the machine from which the document was transmitted was 865-2538. The fax number(s) of the machine(s) to which the document(s) were transmitted are listed above. The fax transmission was reported as complete and without error. I caused the transmitting facsimile machine to print a transmission record.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed May 19, 2008, at San Francisco, California.

/s/ Michael Hinckley